COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
March 10, 2016	Airlin M. Singewald (805) 781-5198 asingewald@co.slo.ca.us	Paul Merrill	DRC2015-00060

SUBJECT

A request by Paul Merrill for a Conditional Use Permit to allow the construction of three lattice amateur (non-commercial) radio towers including: 1) a 160-foot tall "guyed" tower with five sets of antennas and a small wind generator on the top; 2) a 90-foot tall "crank-up" telescoping tower with two sets of antennas reaching a maximum height 106 feet; and 3) a 55-foot tall "crank-up" telescoping tower with one set of antennas. The project will result in approximately 300 square-feet of site disturbance on an approximately 10-acre parcel in the Residential Rural land use category. The proposed project is located at 150 Rolling Ranch Road, approximately 1,000 feet north of El Pomar Drive and five miles east of the community of Templeton. The subject property is in the El Pomar-Estrella sub-area of the North County planning area.

RECOMMENDED ACTION

Approve Conditional Use Permit DRC2015-00060 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

A Class 3 Categorical Exemption (pursuant to CEQA Guidelines 15303) was issued on February 5, 2016 (ED15-190)

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Rural	None applicable	033-301-020	5

PLANNING AREA STANDARDS:

Archaeological Resources, Riparian and Wildlife Corridors

LAND USE ORDINANCE STANDARDS:

Residential Accessory Uses – Antennas, Height Limits

EXISTING USES:

Single family residence

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture / vineyards
East: Agriculture / vineyards, rural residences
South: Residential Rural / rural residences
West: Residential Rural / rural residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Building Division, Regional Water Quality Control Board, Cal Fire, and City of Paso Robles

TOPOGRAPHY:	VEGETATION:
Nearly level to gently rolling	Grasses, ornamental landscaping, oak trees
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire	ACCEPTANCE DATE: January 14, 2016

PROJECT DESCRIPTION:

Proposed Project

The proposed project is a request by Paul Merrill to construct three amateur radio towers, ranging from 55 to 160 feet in height, on a 10-acre parcel in the Residential Rural land use category.

The proposed towers are described below:

- Tower #1 is a rotating, 160-foot guyed tower supporting five sets of antennas. The guy wire radius would be about 128 feet. The vertical portion of the tower is steel lattice approximately two feet across. The guy wire anchors are buried concrete blocks with an engineered rod protruding as an attachment point for the guy wires. This tower is proposed to have a small wind generator on the top to add capacity to the existing grid-tied solar panel system.
- Tower #2 is a 55-foot crank up tower supporting one set of antennas. It nests at about 25 feet when not in use, is self-supporting, and does not use guy wires.
- Tower #3 is a 90-foot crank up tower supporting two sets of antennas. A protruding mast from the top of this tower is proposed to elevate an antenna approximately 16 feet above the top of the tower, to a maximum height of 106 feet.

Table 1: Project Statistics

Tower	Type	Max. height	Antennas	Foundation size		Guy wire anchors (6) size	
1	Guyed	160’	5	4’ x 4’	16 SF	4’ x 6’ each	144 SF
2	Crank up	55’	1	6’ x 6’	36 SF		
3	Crank up	106’	2	10’ x 10’	100 SF		
Total site disturbance: 296 SF							

Visual Impacts

The visual character of the project site and its surroundings is distinctly rural. Ranches, agriculture, and livestock grazing are the predominant land use. The overall visual quality of the area is moderately high, due in part to the undulating landform, vegetative patterns, agricultural uses, and open space. The setting is somewhat defined by the utilitarian function inherent with the rural and agricultural land use. Windmills, water towers, utility poles, and other elements are familiar agricultural visual elements. Communication facilities are also not uncommon in the rural landscape.

The applicant submitted a visual analysis (SWCA; October 26, 2015) evaluating the project’s visibility and visual impacts from surrounding public roads, including Creston Road, South El Pomar Road, and El Pomar Drive. The proposed towers would be most visible from two locations along El Pomar Drive (see Figure 1). These viewpoints are about half-mile from the project site, and occur where gaps in vegetation and/or landforms will allow visual access to the towers. These visibility gaps are relatively short with viewing durations ranging from one to four seconds. Visibility from South El Pomar Drive and Creston Road would be very limited due to viewing distances, and intervening topography, vegetation, and structures.

Proposed Tower 1 would be the most visible; however, due to its thin profile and somewhat transparent visual quality, it would not detract from the existing character of the overall setting. Tower 2 and Tower 3 would have limited visibility from surrounding public roads. If seen, the visibility of amateur radio towers would not appear unusual or out of place in this rural

environment. As a result of these factors, the visual analysis concludes the project would not degrade the existing scenic vistas, visual character, or quality of the site or its surroundings

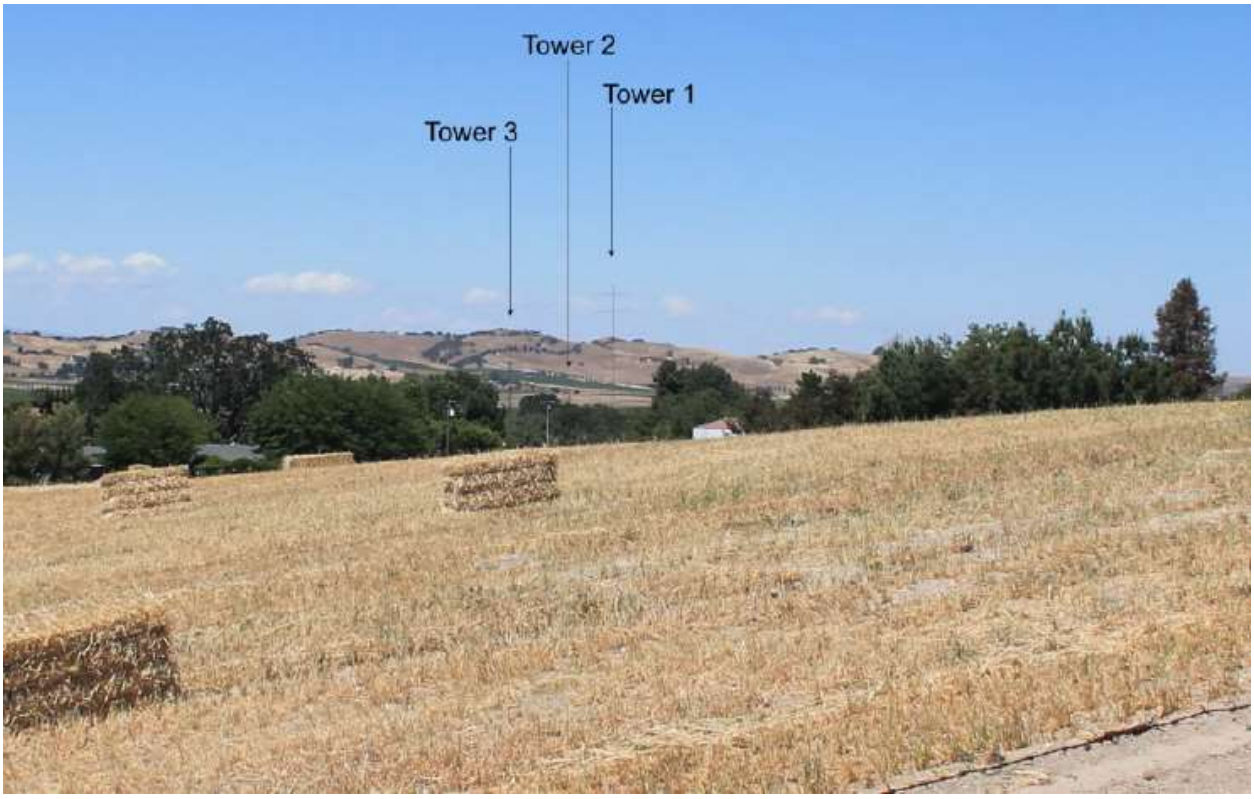

Figure 1: Photo-simulation from El Pomar Drive southwest of the project site

PLANNING AREA STANDARDS:

The proposed project is subject to the following standards of Section 22.94.040 – El Pomar-Estrella Sub-area Standards:

A. *Archaeological Resources.* *All land use permit applications subject to discretionary review that propose development within 100 feet of the bank of a creek (appearing as a solid, dotted, or dashed blue line on the applicable U.S. Geological Survey 7.5 -minute topographic quadrangle map), and within 300 feet of a creek where the slope of the site is less than 10 percent, shall be subject to the preparation of a phase 1 archaeological survey and appropriate mitigation shall be implemented to avoid impacts to archaeological resources.*

Staff Response: The proposed towers would be located about 100 to 200 feet from a USGS stream that runs generally along the parcel's western boundary and meanders across the southern portion of the parcel. This blue line stream appears to be an ephemeral drainage area. The project complies with this standard because the proposed towers would be located more than 100 feet from the blue line stream. While one or two of the guy anchors may be located within 100 feet of the creek, they involve minimal site disturbance (24 square-feet each). Also, as conditioned, construction and grading activities would have to cease in the event that archaeological resources are discovered.

B. *Riparian and Wildlife Corridors.* *New development in new land divisions and on publicly-owned property, and all new development subject to discretionary review shall be setback a minimum of 50 feet from the top of the bank of any watercourse, as defined*

in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater, as shown in Figure 94-10. Trails may be located within this required setback only if trail design and construction avoid or mitigate environmental impacts.

Staff Response: A USGS stream, which appears to be an ephemeral drainage, runs generally along the parcels western boundary and meanders across the southern portion of the property. This drainage area is lined with oak trees, but doesn't contain typical riparian vegetation or habitat. The nearest portion of the project to the edge of this drainage area is one of the 4' x 6' concrete guy wire anchors, which is located about 50 feet east of the drainage. This minimal amount of site disturbance will not affect the nearby drainage feature. The project will be subject to standard best management practices to minimize sedimentation and runoff during construction and grading activities.

LAND USE ORDINANCE STANDARDS:

Section 22.30.410 – Residential Accessory Use

A. Antennas. *Antennas (including dish antennas) for non-commercial TV and radio transmitting and/or receiving are subject to the following standards:*

1. Permit requirement: *Plot Plan approval, except:*

a. As provided in Subsections A.2 or A.3 for antennas of excess height or in particular locations; and
b. For surface-broadcast television receiving antennas, which require no land use permit, but are still subject to the other provisions of this Section.

The land use permit requirements of this Section are in addition to any construction permits required by Title 19 of this Code.

2. Height limit. *Antennas are limited to a height of 50 feet, except that:*

a. A height of up to 75 feet may be authorized by Minor Use Permit.
b. Antennas higher than 75 feet may be authorized by Conditional Use Permit approval.

Staff Response: The proposed project requires Conditional Use Permit approval because two of the proposed towers exceed 75 feet in height. The project complies with this standard because the applicant submitted a Conditional Use Permit application for the proposed project.

3. Limitation on location. *In order to minimize the visual impact of antennas and their supporting structures on residential neighborhoods and community commercial areas, antennas shall be placed in locations consistent with the following provisions:*

a. Setbacks. Antennas are not to be located within required setback areas (Section 22.10.140), except that placement in a side or rear setback may be authorized by Minor Use Permit if the Review Authority first finds that:

(1)No broadcast reception is possible in another allowed location; and
(2)Placement in such setback will not result in detrimental effects on the enjoyment and use of adjoining properties.

Specific setbacks for antennas higher than 50 feet shall be determined through Minor Use Permit or Conditional Use Permit approval, as applicable.
Staff Response: The required setbacks for this parcel are as follows: 25 feet for the front and 30 feet for the sides and rear. The proposed project meets the required setbacks as the closest tower to the neighboring properties is Tower #3 which is located approximately 80 feet from the adjoining parcels to the west and north. As described above, the applicant submitted a visual analysis that concluded the project would have minimal visual impacts on the surrounding landscape.

AGENCY REVIEW:

Cal Fire – "Cal Fire has no significant concern for fire and life safety" (Travis Craig; January 1, 2016).

Building Division – Construction permit required, see attached comments (Mikael Stoker; December 23, 2015).

LEGAL LOT STATUS:

The one lot was legally created by a subdivision.

Staff report prepared by Airlin M. Singewald and reviewed by Karen Nall.